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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,147	06/01/2001	Motoki Kato	SONYJP 3.0-185	1948

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EXAMINER

SHIBRU, HELEN

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,147

Applicant(s)

KATO, MOTOKI

Examiner

HELEN SHIBRU

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 54-60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 54-60 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendments, filed 08/11/2006, have been entered and made of record. Claims 1-28 are pending, claims 29-53 are cancelled and claims 54-60 are withdrawn.

Response to Arguments

2. Applicant's arguments, filed on 06/05/2006 have been considered but are moot in view of the new ground(s) of rejection sets forth below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over <http://www.w3.org/TR/anot> in view of Wang (US pat. No. 7,072,396).

Regarding claim 1, Regarding claim 1, Hori discloses an image coding apparatus comprising: inputting means for inputting a multiplexed stream containing multimedia coding data (see abstract and introduction);

separating means for separating a video stream from said input multiplexed stream (see example);

converting means for performing a predetermined conversion process on said separated video stream to form a converted video stream (see introduction, paragraph 1-2);

outputting means for outputting said converted video stream, said multimedia coding data, and said additional information (see annotation and example).

Claim 1 differs from Hori in that the claim further requires generating means for generating additional information indicating that a mismatch will occur when said converted video stream is displayed on the basis of said multimedia coding data.

In the same field of endeavor Wang discloses a motion video signal encoder maximizes image quality without exceeding transmission bandwidth available to carry the encoded motion video signal to a desired size of frame (see abstract and col. 8 lines 44-58). Wang further discloses for each P frame the target size of the current frame is determined (see fig. 3). Wang further discloses the wavelength is adjusted based on the size of the current frame (see fig. 3 and col. 7 and col. 8). Wang further discloses frame rate is controlled by the controller 120 in fig. 8 and the controller determines an appropriate frame rate for the encoded motion video signal (see col. 17 lines 31-40). See also Fig. 11. Therefore in light of the teaching in Wang it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hori by generating a mismatch in order to adjust the rate.

Regarding claim 2, Hori discloses coding means for coding said additional information generated by said generating means as data separate from said multiplexed stream containing said converted video stream (see introduction paragraph 4 and annotation).

Regarding claim 3, Hori discloses coding means for multiplexing said additional information generated by said generating means with said multiplexed stream containing said converted video stream and then coding a multiplexed result (see introduction paragraphs 2-3).

Regarding claim 4, Hori discloses converting means converts a video stream picture frame parameter (see introduction paragraphs 1-2).

Regarding claim 5, Hori discloses conversion process includes at least a process of decoding said separated video stream and a process of encoding said decoded video stream (see introduction paragraph 1-2).

Regarding claim 6, Hori discloses additional information contains at least one of original picture frame information and an original screen aspect ratio (see introduction paragraph 4 and example).

Regarding claim 7, Hori discloses additional information generated by said generating means contains an original video format and a video format after said conversion process (see introduction paragraph 2-3 and example).

Regarding claim 8, Hori discloses additional information generated by said generating means contains an original screen aspect ratio and a screen aspect ratio after said conversion process (see introduction paragraph 2 and 4, and example).

Regarding claim 9, Hori discloses additional information contains at least one of information indicating whether a picture frame of said video stream has been converted by said converting means, information about an original picture frame of said separated video stream, and an original screen aspect ratio (see abstract, introduction paragraph 1-2, and 4).

Method claims 10-18 are rejected for the same reason as discussed in apparatus claims 1-9 respectively.

Claims 19 and 20 are rejected for the same reason as discussed in claim 1 above.

Claims 26-28 are rejected for the same reason as discussed in claims 7-9 respectively above.

Election/Restrictions

5. Newly submitted claims 54-60 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

I. Claims 1-28, drawn to an image coding apparatus comprising: inputting means for inputting a multiplexed stream containing multimedia coding data; separating means for separating a video stream from said input multiplexed stream; converting means for performing a predetermined conversion process on said separated video stream to form a converted video stream; generating means for generating additional information indicating that a mismatch will occur when said converted video stream is displayed on the basis of said multimedia coding data; and outputting means for outputting said converted video stream, said multimedia coding data, and said additional information.

II. Claims 54-60, drawn to an image coding apparatus comprising: a selector for receiving a multiplexed transport stream having multimedia coding data; a demultiplexer operable to separate a video stream from the multiplexed transport stream; a decoder for reproducing the video stream as decoded video data; a coding generator operable to receive multimedia information associated with the multimedia coding data and generate display control information, the display control information including a mismatch flag which indicates that a display mismatch condition exists between the video data and multimedia coding data; and an output unit operable to output the decoded video data, the multimedia coding data and the mismatch flag.

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6. The inventions as grouped above are distinct inventions not useable together or in the same system. The two groups of inventions are useable apart from each other and have unique specific structures not required of the other, and can therefore be separately useable as distinct inventions.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 54-60 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru
August 21, 2006



THAI Q. TRAN
PRIMARY EXAMINER